

By: Ellis

S.B. No. 2281

A BILL TO BE ENTITLED

AN ACT

relating to the creation of a public defender subaccount in the fair defense account of the general revenue fund.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Subchapter D, Chapter 71, Government Code, is amended by adding Section 71.064 to read as follows:

Sec. 71.064. PUBLIC DEFENDER SUBACCOUNT. (a) The comptroller shall create a subaccount in the fair defense account to hold funds transferred to the fair defense account under:

(1) Article 102.0045, Code of Criminal Procedure;

(2) Section 81.054; and

(3) Section 133.107, Local Government Code.

(b) Interest earned on money in the subaccount shall be deposited to the credit of the subaccount.

(c) The Task Force on Indigent Defense shall direct the comptroller to distribute funds, including grants, to counties to support the establishment and operation of a public defender's office. The Task Force on Indigent Defense may not direct the comptroller to distribute funds from the public defender subaccount unless the county or counties applying for funds under this section submit a proposal that includes:

(1) the information required under Article 26.044(c), Code of Criminal Procedure;

(2) as consistent with recognized national policies

1 and standards, policies and standards governing training and the  
2 maximum allowable caseload for attorneys employed by the public  
3 defender's office;

4 (3) as consistent with recognized national policies  
5 and standards, policies and standards governing training and  
6 workload for licensed investigators and support personnel employed  
7 by the public defender's office; and

8 (4) for a county that has established a public  
9 defender's office, documentation that demonstrates compliance with  
10 the policies and standards described by Subdivisions (2) and (3).

11 (d) A county may not reduce the amount of funds provided for  
12 indigent defense services in the county because of funds provided  
13 by the Task Force on Indigent Defense under this section.

14 SECTION 2. Section 81.054(c), Government Code, is amended  
15 to read as follows:

16 (c) Fees shall be paid to the clerk of the supreme court.  
17 The clerk shall retain the fees, other than fees collected under  
18 Subsection (j), until distributed to the state bar for expenditure  
19 under the direction of the supreme court to administer this  
20 chapter. The clerk shall retain the fees collected under  
21 Subsection (j) until distribution is approved by an order of the  
22 supreme court. In ordering that distribution, the supreme court  
23 shall order that the fees collected under Subsection (j) be  
24 remitted to the comptroller at least as frequently as quarterly.  
25 The comptroller shall credit 50 percent of the remitted fees to the  
26 credit of the judicial fund for programs approved by the supreme  
27 court that provide basic civil legal services to the indigent and

1 shall credit the remaining 50 percent of the remitted fees to the  
2 fair defense account in the general revenue fund which is  
3 established under Section 71.058, to be used, subject to all  
4 requirements of Sections [~~Section~~] 71.062 and 71.064, for  
5 [~~demonstration or pilot~~] projects that develop and promote best  
6 practices for the efficient delivery of quality representation to  
7 indigent defendants in criminal cases at trial, on appeal, and in  
8 postconviction proceedings.

9 SECTION 3. The requirement that certain funds transferred  
10 to the fair defense account in the general revenue fund be deposited  
11 to the credit of the public defender subaccount in accordance with  
12 Section 71.064, Government Code, as added by this Act, applies only  
13 to funds transferred to the fair defense account on or after the  
14 effective date of this Act. Funds transferred before the effective  
15 date of this Act are governed by the law in effect when the funds  
16 were transferred, and the former law continues in effect for that  
17 purpose.

18 SECTION 4. This Act takes effect September 1, 2009.